

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:12cv328**

**CARL E. MCADOO, EXECUTOR FOR )  
THE ESTATE OF CHARLES RAFORD )  
MCADOO, SENIOR, DECEASED, )  
                                      )  
Plaintiff,                      )  
                                   )  
v.                                )  
                                   )  
**UNITED STATES OF AMERICA, et al., )  
                                   )  
Defendants.                    )  
                                   )****

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**ORDER**

Plaintiff brought this action against Defendants asserting a number of state and federal claims. Subsequently, Defendants filed two Motions to Dismiss [# 17 & # 22]. Defendants move to dismiss the claims on a number of grounds, including failure to state a claim. The Court then granted Plaintiff leave to file an Amended Complaint, which Plaintiff filed on May 20, 2013. The filing of an amended complaint supersedes the original complaint and renders it void of any legal function in the case. Young v. City of Mount Ranier, 238 F.3d 567, 572 (4th Cir. 2001). Accordingly, the Court **DENIES as moot** the Motions to Dismiss [# 17 & # 22].

Signed: May 28, 2013

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

